

Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

June 11, 2018

9:30

Calendar No. 18-115:

1915 West 54 Street

Ward 15

Matt Zone

Elmhurst Homes, owner, proposes to erect a 2.5 story, 1,800 square feet single family house in a B1 Two-Family Residential District. The appellant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet and the proposed lot area is approximately 3,680 square feet.
2. Section 357.09 (b)(2)(B) which states that in a Two-Family District no interior side yard, and except as provided in subsection (b)(1) hereof, in any use district no interior side yard on a lot occupied by a dwelling house shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 30'-4" thus no interior side yard shall be less than 7'-6" and a 6'-4" side yard is proposed.
3. 357.09 (b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on adjoining lot is 6'-0".
4. Section 357.13(b)(4) which states that open porches shall not project more than six (6) feet and shall not extend within ten (10) feet of the street line. Proposed porch is within 12 inches of the front yard property line.
5. Section 358.03(a) which states that no portion of a fence along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street shall exceed 2.5 feet in height, unless its 75% open.
6. Section 357.13(b)(4) which states that an open front porch shall not project more than 6'-0": proposed porch projects 7'-5".
7. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 16, 2018)

9:30

Calendar No. 18-116:

9100 St. Clair Ave.

Ward 9

Kevin Conwell

35 Notices

POSTPONED TO JULY 2ND DUE TO APPELLANT'S SCHEDULING CONFLICT.

Beverly Galloway, owner, proposes to construct a new nightclub and restaurant building in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(2)(F) which states that establishments for eating/drinking with entertainment are specifically excluded from Local Retail Business District; they are first

permitted in General Retail Business District and even in that district must be 500 feet from Residential Districts, day care centers, and churches per Section 347.12(a)(1). The proposed use is adjoining a residential district and a day care center (The Center for Families and Children Wade Park Early Learning Center at 9111 Yale Avenue), and within 500 feet of Mt Pisagh Baptist Church at 8830 St Clair Avenue, Church of Christ at the Blvd at 8837 St. Clair Avenue, and Straight Way Community Church at 9215 St. Clair Avenue.

2. Section 357.01(b) which states that a front yard setback equal to the average of the front setbacks of buildings within 100 feet or in this case, a 10 foot setback is required per 357.06(a).
3. Section 349.04(e) which states that the required parking space area for a nightclub use is three times the gross floor area or in this case 66,600 square feet and 193 parking spaces are provided.
4. Section 358.05(a)(2) states that a fence in the actual front yard shall not exceed 4 feet in height and a 6 foot tall fence is proposed. (Filed May 16, 2018)

9:30

Calendar No. 18-117: 3962 Rocky River Drive

Ward 17

Martin J. Keane

9 Notices

Jeff and Elizabeth Molnar, owners, proposes to erect an 8 foot tall solid vinyl fence along the rear property line in a B1 Two Family Residential District. The owner appeals for relief from the strict application of Section 358.04(a) which states that in the actual rear yard a fence shall not exceed six feet in height and no fence shall be higher than its distance from a residence building on an adjoining lot. (Filed May 22, 2018)

9:30

Calendar No. 18-118: 5512 Memphis Ave.

Ward 13

Kevin J. Kelley

18 Notices

Joey 39 L.T.D, owner, proposes to change use to an open sales lot in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.11 which states the following:

(a) that an Open sales lot shall have a minimum lot width of sixty (60) feet.

(b) All open areas of permanent use open sales lots that are intended either for display or for use as vehicular area, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaced, impervious all weather material approved by the Commissioner of Building and Housing, provided however, that surfacing shall not be required on any open sales lot located on a lot in a General Industry or Unrestricted Industry District which does not abut any lot located in Residence Districts.

(c) All permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots.

(d) Permanent use open sales lots shall be screened as provided in Chapter 352.

2. Section 357.05(a) which states that a 5' side street setback is required and parking is within side street setback.
3. Section 349.07(c)(2) which states that the driveway shall be located not less than 15' from property line; driveway is within 15' from property line; driveway is within 15' of property line.

4. 349.07(c)(3) The maximum width of driveway shall not be more than 30' and the proposed driveway is over 30' wide. (May 22, 2018)

9:30

Calendar No. 18-119:

1957 Columbus Road

Ward 3

Kerry McCormack

16 Notices

Theresa and Robert Andrews, owners, propose to erect a 3 story 1,733 square foot single family house with an attached garage on a 4,565 square foot lot in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "K" area district is 4,800 square feet and the proposed lot area is approximately 4,565 square feet.
2. Section 357.09(b)(2)(C) which states that in a Multi-Family District no interior side yard, shall be less than (8) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. The proposed building mean height is approximately 28'- 8" thus no interior side yard shall be less than 7'-2" and a 3'-1" side yard is proposed.
3. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance to main building on adjoining lot is 5'-6 1/2".
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed May 22, 2018)

POSTPONED FROM MAY 29, 2018

9:30

Calendar No. 18-109:

1980 Columbus Road

Ward 3

Kerry McCormack

12 Notices

Kamis Properties, owner, proposes to build a single family residence in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area of a residence cannot exceed 1/2 the lot area, or in this case 1,095 square feet and the proposed gross floor area is 2,362 square feet. This section also states that the minimum required frontage is 40 feet and the proposed frontage is 35.47 feet. The minimum required lot area is 4,800 square feet and the proposed lot area is 2,190 square feet.
2. Section 357.08(b)(2) which states that the required rear yard is no less than 20 feet and the proposed rear yard is 16 feet.
3. Section 357.09(b)(2)(B) which states that the required width of the side yard shall be no less than 1/4 the height of the building; the building height is 43.5'; one quarter height is 11.33' and the proposed side yard widths are 4' and 3.5'.(Filed May 4, 2018-No Testimony)*FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR A COMMUNITY MEETING.*

